

THE COMMONWEALTH OF MASSACHUSETTS

EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS



Department of Agricultural Resources

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Secretary

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Commissioner

Request for Statements of Interest

Submission due date: June 27th 2017

Contact: Gerard Kennedy
Agricultural Preservation Restriction Program
251 Causeway Street, Suite 500
Boston, MA 02114
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PURPOSE

The Massachusetts Department of Agricultural Resources ("MDAR") is the Grantee and holder of an Agricultural Preservation Restriction ("APR") on approximately 80 acres of land of farmland (no structures) at Adamsville Road in Westport, MA that is currently being offered for sale to MDAR. The APR was recorded on September 21, 1988 at the Southern Bristol County Registry of Deeds in Book 2206, Page 322. As part of the APR, MDAR retains the Right of First Refusal when the land is transferred. As a result of a recently executed Purchase and Sale Agreement between the current owner, Estate of Joseph Perry, Jr., and a prospective purchaser, the APR land has been offered for sale to MDAR.

MDAR is seeking to assign its right to purchase the farmland and as such is seeking a "Statement of Interest" from individuals or entities who are qualified and capable of accepting an assignment and purchasing the land for \$175,000.00 and close by July 8th 2017.

PROPERTY DESCRIPTION

Approximately 80 acres prime farmland soils (no structures) in Westport, Massachusetts situated on Adamsville Road.

SUBMISSION STANDARDS AND REQUIREMENTS

As part of the assessment process in identifying an acceptable Farmer or New Entry Farmer, a/k/a potential assignee ("Potential Assignee") to receive an assignment of the Department's right to purchase, MDAR is seeking a formal "Statements of Interest" from Potential Assignees. Potential Assignees are encouraged to review MDAR Guidelines - Assignment of the Department's Right of First Refusal prior to preparing a submission as these are the guidelines the Department will utilize when selecting a Potential Assignee. The Statement of Interest must contain, at a minimum, **all** of the following documents:

I. General Information:

(Must include the below information in narrative form)

- Potential Assignee's legal name and address
 - If the entity is a corporation or limited liability company, MDAR must be provided the articles of incorporation demonstrating the corporation was formed for the purpose of owning and operating a commercial Farm and the entity has the ability to hold real property; or
 - If the entity is a partnership, MDAR must be provided partnership agreement which evidences partnership was formed for the purpose of owning and operating a commercial Farm and the entity has the ability to hold real property.

NOTE: If the corporation or partnership was formed within two years of the submission due date, the entity will be considered a "New Entry Farmer".

All the below information must be provided, if applicable:

- Whether Potential Assignee has historically leased, but not owned, agricultural land (I.E. whether this would be a first time purchase of agricultural land).
- Whether the Potential Assignee leases or owns other agricultural land and the distance from the Premises that land is located. Must specify the address of other agricultural land.
- All other lands the Potential Assignee currently owns that are subject to an APR.
- The Potential Assignee's number of Farm acres currently under production.

II. Financial Statement

- Financial Statement must demonstrate the Potential Assignee's ability to pay \$175,000.00 and close within 16 days from MDAR's notice of intent to exercise. Specifically,
 - If purchasing with 100% cash funds, proof of satisfactory availability of funds, or
 - If obtaining financing, must provide letter of commitment for financing and satisfactory proof of ability to additional funds required for purchase price

III. Farmer Resume

- Farmer Resume is a brief account of the Potential Assignee's professional farm experience and qualifications.

NOTE: If the Potential Assignee intends to lease the Premises to a Farmer or New Entry Farmer, the Farmer Resume must be prepared by the Farmer or New Entry Farmer.

IV. Farm Plan

- Farm Plan must be sufficient to demonstrate the Premises will be utilized to the fullest extent possible for commercial agriculture. The Farm Plan is a narrative that includes, at a minimum, how the Premises will be utilized to the fullest extent possible for commercial agriculture for a five (5) year period including, but is not limited to, the following: identification of all land uses on the Farm, crops to be grown, acreage for each crop, livestock to be raised, pasture acreage, use of existing structures on Premises

(if applicable), and need for additional structures (if applicable) and timeline for implementation of the plan. **The narrative shall include a map or diagram identifying each land use proposed for the Farm.**

- if the Potential Assignee owned or operated a Farm previously, the Farm Plan must additionally include the size of the farming operation (acreage and gross income), and number of years in business; or
- if the Potential Assignee is a New Entry Farmer (a Farmer who has less than two years experience managing or owning a Farm):
 - the Farm Plan must list relevant degrees, courses, workshops, education and training, and a Financial Plan must be provided. The Financial Plan whether narrative or otherwise, must demonstrate the Potential Purchaser can support the operation of the Premises without adversely affecting long term viability of the Premises. Such a plan should, at a minimum, include: a net worth statement, an estimate of start-up costs, identification of costs of production, gross sales and net farm income, and income & expense projections for at least three years.

MDAR may request additional information from any Potential Assignee.

PROPOSAL SUBMISSION INFORMATION AND DEADLINE

Statements of Interest must be **received** by the Massachusetts Department of Agricultural Resources no later than 5:00 P.M. on June 27th. **Please submit all materials via mail, email or hand delivery to:**

Dorothy Du
Department of Agricultural Resources
251 Causeway Street, Suite 500
Boston, MA 02114
dorothy.du@state.ma.us

Envelopes shall be marked in the lower left-hand corner with the following: Statement of Interest for APR Land in Westport, MA

Potential Assignee's are cautioned to allow sufficient time for their Statement of Interest to be received by MDAR. An electronic or facsimile Statement of Interest is acceptable provided that the complete packet together with any attachments is successfully received by MDAR prior to **5 PM on June 27th**.

Note, any documents submitted will be subject to disclosure under the Public Records Law.

SELECTION CRITERIA

MDAR will evaluate each Potential Assignee's Statement of Interest to accept an assignment of the Commonwealth's offer to purchase the APR property for \$175,000.00 based on MDAR's Agricultural Preservation Restriction Program Guidelines, Assignment of the Department's Right of First Refusal.